

E-filed: 9/21/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HYNIX SEMICONDUCTOR INC., HYNIX  
SEMICONDUCTOR AMERICA INC.,  
HYNIX SEMICONDUCTOR U.K. LTD., and  
HYNIX SEMICONDUCTOR  
DEUTSCHLAND GmbH,

Plaintiffs,

v.

RAMBUS INC.,

Defendant.

No. CV-00-20905 RMW

ORDER RESETTING BRIEFING  
SCHEDULE FOR HYNIX'S MOTION FOR  
CERTIFICATION OF SPOILIATION  
ORDERS FOR INTERLOCUTORY APPEAL

**[Docket No. 2412]**

Hynix noticed a motion for certification of spoliation orders for interlocutory appeal for hearing on October 20, 2006. According to Hynix's proposed briefing schedule, Rambus's opposition is due September 29, 2006 and Hynix's reply brief is due October 6, 2006. Rambus objects to this briefing schedule and contends that: (1) the court's § 1292(b) determination is best made after the District of Delaware court rules on the spoliation issues in *Micron Technology, Inc. v. Rambus Inc.*, No. Civ. A.00-792-KAJ, and (2) Rambus would be prejudiced by this schedule because it corresponds exactly with the schedule imposed by the Federal Trade Commission for briefing of the remedy issues in *In the Matter of Rambus Incorporated*.

1 The court finds that Rambus would be prejudiced to the extent the briefing and hearing dates  
2 for the § 1292(b) motion coincide with the deadlines set by the FTC for the remedy issues.  
3 According to the FTC's Order Scheduling Supplemental Briefing on Issues of Remedy, *available at*  
4 <http://www.ftc.gov/os/adjpro/d9302/060802rambusorder.pdf>, both Rambus and Complaint Counsel  
5 each shall file a brief addressing the remedy issues on or before September 15, 2006. On or before  
6 September 29, 2006 each party may file a responding brief. Additional oral argument relating to the  
7 remedy issues will be scheduled by further order of the FTC after receipt of the opening and  
8 responding briefs.

9 Accordingly, the court resets the briefing and hearing dates for Hynix's Motion for  
10 Certification of Spoliation Orders for Interlocutory Appeal as follows:


11 Rambus's Opposition Brief: October 20, 2006

12 Hynix's Reply Brief: October 27, 2006

13 Hearing Date: November 10, 2006

14 Rambus may request to further revise these dates to the extent they coincide with any further  
15 deadlines set by the FTC, including the date of additional oral argument on the remedy issues.

16  
17 DATED: 9/21/06

  
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18 RONALD M. WHYTE  
19 United States District Judge  
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THIS SHALL CERTIFY THAT A COPY OF THIS ORDER WAS PROVIDED TO:

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**Date:** 9/21/06

SPT

**Chambers of Judge Whyte**

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INTERLOCUTORY APPEAL—C-00-20905 RMW

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